

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7679

Petition of Beaver Wood Energy Fair Haven,)
LLC, for a Certificate of Public Good, pursuant to)
30 V.S.A. § 248, to install and operate a Biomass)
Energy Facility and an integrated wood pellet)
manufacturing facility located north of Route 4 in)
Fair Haven, Vermont, to be known as the "Fair)
Haven Biomass Project")

Order entered: 5/25/2011

PROCEDURAL ORDER RE SCHEDULE

This docket concerns a petition filed by Beaver Wood Energy Fair Haven, LLC ("BWE-Fair Haven") seeking Public Service Board ("Board") approval, pursuant to 30 V.S.A. § 248, for construction of a biomass energy facility and wood-pellet manufacturing facility in Fair Haven, Vermont. On April 1, 2011, the Board issued an Order concluding that it lacks jurisdiction over the wood-pellet facility. In its April 1 Order, the Board required BWE-Fair Haven to file a statement proposing how this docket should proceed in light of the Board's jurisdictional ruling.

On April 20, 2011, BWE-Fair Haven filed a "Response to Board Order" stating its intent to proceed with the Section 248 review in this docket. BWE-Fair Haven further represents that it "is in the process of closing on additional financing necessitated by the additional costs associated with the Act 250 process and other matters," and that accordingly it cannot propose a schedule for this docket until after the closing. BWE-Fair Haven "proposes to update the Board on a monthly basis with respect to the closing and to submit a proposal for moving forward two weeks after the closing takes place."

On May 6, 2011, the Town of Fair Haven Select Board filed a letter in support of BWE-Fair Haven, asking "that the permitting process resume at a pace to encourage a favorable conclusion this year." No other party responded to BWE-Fair Haven's April 20 filing.

I conclude that BWE-Fair Haven's proposal for proceeding with this docket is reasonable, with one modification. To ensure that this docket does not remain inactive for an excessive length of time, if BWE-Fair Haven has not closed on its additional financing by September 30, 2011, yet still wishes to eventually proceed with this docket, it must seek a further extension of the schedule.

Therefore, BWE-Fair Haven shall file monthly status reports with respect to the closing on its additional financing; the monthly reports shall be filed by the end of each month (although the first report may be filed up to one week later, i.e., by June 7, 2011). Within two weeks of the closing, BWE-Fair Haven shall file a proposed schedule for proceeding with this docket; other parties shall then have two weeks to comment on BWE-Fair Haven's proposed schedule, unless all parties have consented to the proposed schedule.¹ If BWE-Fair Haven has not closed on its additional financing by September 30, 2011, but still wishes to proceed with this docket, it must file a motion by that date seeking a further extension of the schedule, with its best estimate as to when the financing is likely to close.

So ORDERED.

1. BWE-Fair Haven is encouraged to seek consensus among the parties before filing its proposed schedule.

Dated at Montpelier, Vermont, this 25th day of May, 2011.

s/Kurt Janson
Kurt Janson, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: May 25, 2011

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)